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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the thirty-ninth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 61/116.

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Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present, thirty-ninth report to the General Assembly reflects the substance of the information gathered during the mission of the Special Committee to Egypt, Jordan and the Syrian Arab Republic from 21 July to 4 August 2007. In these three countries, the Special Committee met with 37 witnesses representing Palestinian non-governmental organizations from the occupied territories and Israeli non-governmental organizations, as well as individuals from the Syrian Arab Republic.

Section V of the report provides information on the human rights situation in the occupied territories and section VI a review of Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan. Section VII presents the conclusions and recommendations of the Special Committee to the General Assembly.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). It is composed of three Member States: Sri Lanka (represented by the Permanent Representative of Sri Lanka to the United Nations, H.E. Ambassador Prasad Kariyawasam, serving as Chairperson); Malaysia (represented by the Permanent Representative of Malaysia to the United Nations, H.E. Ambassador Hamidon Ali); and Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, H.E. Ambassador Moussa Bocar Ly). The Special Committee reports to the Secretary-General. Its reports are reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

2. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered to be those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the Occupied Palestinian Territory which comprises the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee are the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that are under occupation but who left those areas because of the hostilities.

3. The human rights of the Palestinian people and other Arabs of the occupied territories are those referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and those rights which find their basis in the protection afforded by international law, in particular in circumstances such as military occupation and, in the case of prisoners of war, capture. The General Assembly, by resolution 3005 (XXVII), required the Special Committee also to investigate allegations concerning the exploitation and looting of the resources of the occupied territories, the pillaging of its archaeological and cultural heritage and interference in freedom of worship in its holy places.

4. The "policies" and "practices" affecting human rights that come within the scope of investigation by the Special Committee refer, in the case of policies, to any course of action consciously adopted and pursued by the Government of Israel as part of its declared and undeclared intent; while practices refers to those actions which, irrespective of whether or not they were in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

5. The Special Committee bases its work on the human rights standards and obligations enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of

12 August 1949 (the Fourth Geneva Convention), the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (the Third Geneva Convention), the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and the Hague Conventions of 1899 and 1907 concerning the Laws and Customs of War on Land. The Special Committee also relies on those resolutions relevant to the situation of civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Human Rights Council.

6. The General Assembly, by resolution 61/116 of 14 December 2006, requested the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Fourth Geneva Convention, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The General Assembly also requested the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967.

III. Activities of the Special Committee

Field mission of the Special Committee to the Middle East

7. In preparation for its field mission to the Middle East, the Special Committee addressed a letter dated 6 June 2007 to the Permanent Representative of Israel to the United Nations Office at Geneva, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in resolution 61/116. On 12 June, the Special Committee received an acknowledgement of receipt of its letter from the Permanent Representative of Israel, indicating that it had been forwarded to the appropriate authorities in Israel for their consideration. There was no further response from the Israeli authorities.

8. Prior to its departure on mission, the Special Committee met briefly in Geneva on 20 July 2007 to prepare for the mission and held an informal exchange of views with representatives of Egypt, Jordan and the Syrian Arab Republic.

9. Not able to visit the occupied territories since its establishment in 1968, the Special Committee once again carried out a field mission with a view to fulfilling the responsibilities entrusted to it by the General Assembly. It visited Egypt from 21 to 26 July 2007, Jordan from 26 July to 1 August 2007 and the Syrian Arab Republic from 1 to 4 August 2007, where it heard the testimony of 37 witnesses about the situation of human rights in the occupied territories.

10. The Special Committee expresses its gratitude to the offices of the United Nations resident coordinators in Egypt, Jordan and the Syrian Arab Republic for the valuable assistance extended to the Committee in preparation for and during its visits to these countries.

11. The Special Committee greatly appreciated being able to meet with representatives of the authorities and other entities in Egypt, Jordan and the Syrian Arab Republic. In Cairo, it met with the Minister for Foreign Affairs of Egypt, H.E. Mr. Ahmed Aboul Gheit; the Deputy Assistant Minister for International Political Affairs, Mr. Ihab Fawzi; the Chairman of the People's Assembly Foreign Relations Committee, Dr. Mostafa Elfiki, and other members of the Committee; the Assistant Secretary-General for the Sector of Palestine and Arab Occupied Territories of the League of Arab States, Mr. Mohamed Sobieh; and the Vice-President of the Egyptian National Council for Human Rights, Dr. Kamal Aboul Magd, and its Secretary-General, Mr. Mokhless Kotb. In Amman, the Special Committee met with the Minister for Foreign Affairs of Jordan, H.E. Mr. Abdelelah Al-Khatib. In Damascus, the Committee met with the Vice Minister of Foreign Affairs of the Syrian Arab Republic, H.E. Dr. Fayssal Mekdad, the Chief of the International Organizations Department at the Ministry of Foreign Affairs, Mr. Milad Atteyyeh and the Governor of Quneitra Province, Mr. Nawaf Al-Sheikh. While in the Syrian Arab Republic, the Committee visited the city of Quneitra and the Khan Eshieh refugee camp. The Committee also met with United Nations officials in the three countries and held press conferences in Cairo and Damascus.

12. The present, thirty-ninth report of the Special Committee is presented in accordance with General Assembly resolution 61/116.

IV. Recent developments

13. In February 2007, Israel began construction and archaeological work on a new walkway to restore a broken bridge leading to the Mughrabi Gate of the Al-Haram al-Sharif/Temple Mount in the Old City of Jerusalem (inscribed on the World Heritage List and the List of World Heritage in Danger). This was widely condemned by Arab and Muslim Governments. The Islamic Waqf (religious authorities) of Jerusalem called the work illegal and expressed fear that the excavations would destroy the last vestiges of an old Muslim quarter demolished after 1967. Israel stated that its work was purely for safety and access reasons. The United Nations Educational, Scientific and Cultural Organization dispatched a technical mission to investigate, which found that although Israeli archaeological work for an access pathway did not threaten the Al-Aqsa Mosque and complied with professional standards, Israel should at once stop excavations and consult on a final plan with Muslim religious authorities and other parties.[1]

14. On 29 March, at the Nineteenth Arab Summit Conference held in Riyadh, Arab leaders re-endorsed the 2002 Arab peace initiative and affirmed a just and comprehensive peace as the strategic option for the "Arab nation". The Arab peace initiative, inter alia, calls for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council resolutions 242 (1967) and 338 (1973), reaffirmed by the Madrid Conference of 1991 and the land-for-peace principle, and Israel's acceptance of an independent Palestinian state with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with Israel.

15. In April, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, visited the Occupied Palestinian Territory and Israel. She said that children bear the brunt of the armed conflict in the Middle

East and concluded that it was imperative that peace come to the Middle East for the sake of the children.

16. In compliance with General Assembly resolution ES-10/17, the Secretary-General appointed on 10 May three international experts as members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. Its purpose is to serve as a record of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem.

17. In April and May there was a sharp escalation in Israeli military actions against the Palestinian population as well as in intra-Palestinian violence, in particular in the Gaza Strip. Israeli Defence Forces (IDF) carried out rocket and artillery attacks, air strikes and military incursions into Gaza. Qassam rockets continued to be fired by Palestinian militants from the Gaza Strip into Israel. One rocket injured 69 Israeli soldiers on 11 September.

18. On 15 June, Hamas took control of the Gaza Strip. This led to the collapse of the Palestinian National Unity Government established on 9 February on the basis of the agreement reached in Mecca. The factional fighting resulted in the loss of more than 200 lives and about 1,000 injured. The situation was described to the Special Committee as a direct consequence of the Israeli occupation. Most of the crossing points into and out of Gaza have remained closed by the occupying Power since that time.

19. On 17 June, Palestinian Authority President Mahmoud Abbas appointed the Emergency Government, headed by Prime Minister Salam Fayyad. On 26 June President Abbas banned all armed militias, "regardless of their affiliation".

20. On 27 June the former Prime Minister of the United Kingdom of Great Britain and the Northern Ireland, Tony Blair was appointed as Quartet's Representative, with the mandate to: mobilize international assistance to the Palestinians, working closely with donors and existing coordination bodies; help identify and secure the international support needed in order to address the institutional governance needs of the Palestinian State, focusing as a matter of urgency on the rule of law; develop plans to promote Palestinian economic development, including private sector partnerships, by building on previously agreed frameworks, especially concerning access and movement; and liaise with other countries, as appropriate, in support of the agreed Quartet objectives.

21. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, visited Israel and the Occupied Palestinian Territory in July. The Special Rapporteur has stated, as a preliminary finding, that he was gravely concerned about the impact of the barrier and accompanying measures upon the freedom of movement, right to property, right to work, right to health, right to education, the right to private and family life, the right to non-discrimination and the human dignity of all persons.

22. On 16 July, the President of the United States of America, George W. Bush, announced that he would call together an international meeting in autumn 2007 of representatives from nations that support the two-state solution, reject violence, recognize Israel's right to exist and commit to all previous agreements between the parties, and that the key participants in those meetings would be the Israelis, the

Palestinians and their neighbours in the region. The Quartet welcomed President Bush's statement renewing United States commitment to a negotiated two-state solution and agreed that such a meeting should provide diplomatic support for the parties in their bilateral discussions and negotiations in order to move forward on a successful path to a Palestinian state.

V. Situation of human rights in the Occupied Palestinian Territory

23. In the fortieth year of occupation, it should be recalled that occupation itself is a violation of human rights. The situation of human rights in the Occupied Palestinian Territory has not improved during the current reporting period. On the contrary, in many parts of the Occupied Palestinian Territory and, in particular, the Gaza Strip, it has deteriorated significantly. Gaza has been subjected to continued air strikes, artillery attacks and incursions. Economic sanctions imposed on the Palestinian Authority by Israel and parts of the international community since the Palestinian legislative elections in 2006 continue to have a negative impact on the enjoyment of economic and social rights. Many of Israel's practices in the Occupied Palestinian Territory have been described as the collective punishment prohibited by article 33 of the Fourth Geneva Convention. The severe humanitarian crisis in Gaza has been aggravated since mid-June. The closure of its crossing points and other restrictions have resulted in the halting of all commercial activity, the closure of factories and businesses and the loss of tens of thousands of jobs. Only essential humanitarian supplies are allowed to be brought in. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) warned on 9 August that, if the present regime of closure continued, Gaza risked becoming a virtually 100 per cent aid-dependent, closed-down and isolated community within a matter of months, or even weeks.

24. The situation in the West Bank is slightly less grave than that in Gaza. The unlawful construction of the separation wall and the expansion of settlements have continued unabated. The separation wall and its associated regime have continued to negatively affect and violate a whole range of human rights of the Palestinian population. The right to freedom of movement has continued to be obstructed by more than 500 checkpoints, roadblocks, earth mounds and other types of obstacles. Movement is also curtailed by the permit system regarding access to the so-called "segregation zone", "closed zone" or "seam zone" between the 1949 Armistice Line (Green Line) and the separation wall; in and out of the Jordan Valley; and between different parts of the West Bank. There are repeated military incursions throughout the West Bank. The almost daily arrest operations maintain the number of Palestinian prisoners, including women and children, detained by Israel at more than 10,000. The practice of targeted killings has been on the rise during the period under review.

25. The attention of the Special Committee was drawn to the growing disparity between rhetoric and the situation and facts on the ground. Despite peacemaking declarations, the situation was getting worse. The Committee was told that the violations of human rights to which it draws attention in its reports were impeding the likelihood of a future solution since things were moving backwards much faster than they were forward. Palestinians said that they did not have much hope for the future. Given recent developments, they believed that Israel had nothing to offer to the Palestinian people. Some were of the view that the worst was yet to come.

Nevertheless, they looked to the international community and institutions to abandon their strategy of silence and force Israel to respect international law.

26. The Special Committee has taken note of the different terms used to designate the separation wall by various persons affected by it. These terms include: wall, discrimination wall, separation barrier, security barrier, security fence, segregation wall, apartheid wall, annexation wall, racist wall and expansion wall.

A. Right to self-determination

27. The possibility of the emergence of a viable Palestinian state has continued to erode further in the course of the reporting period. The unabated illegal construction of the separation wall, the expansion of settlements and bypass roads and other illegal measures aimed at limiting freedom of movement are depriving the Occupied Palestinian Territory of territorial contiguity. The continued occupation, its policies and practices have resulted in widespread human rights violations. They have had a direct negative bearing on the ability of the Palestinian people to exercise their right to self-determination in the Gaza Strip and the West Bank, including East Jerusalem.

B. Separation wall

28. On 9 July 2004, the International Court of Justice rendered an advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (A/ES-10/273 and Corr.1), stating that the route of the separation wall in the West Bank, and its associated regime of permits and restrictions, was contrary to international law. An additional 200 km of the separation wall have been built since that time. In 2004, more than 11,000 persons had already been displaced as a direct consequence of its construction. The projected length of the separation wall is 721 km, of which 80 per cent is in the occupied West Bank. Some 60 per cent has been completed. If finished, it will annex some 10.2 per cent of the West Bank. In urban areas the separation wall consists of 8 to 9-metre-high concrete slabs. In agricultural zones it is a wire fence, the exclusion area of which is 50-60 metres wide. At Salfit, the separation wall protrudes a full 22 km into the West Bank. The route of the wall is designed to take in the greatest number of Israeli settlements and settlers and as few Palestinians as possible. It is estimated that it will take in more than 80 per cent of settlers in some 73 settlements. More than 50,000 Palestinians in some 15 communities will be enclosed by the separation wall. In addition to being separated from the rest of the West Bank, they will require "long-term" or "permanent resident" permits to reside in their own homes or lands. The Special Committee was told that the right to live in your house had been turned into a privilege. Particularly serious is the situation of some 5,000 persons in a number of villages that will become enclaves surrounded by three "loops" of the wall. Because of detours caused by the wall and the requirement that Palestinian traffic pass through tunnels built specially for that purpose, a trip from the villages of Habla and Ras Atiya to Qalqiliya, which used to take five minutes, now takes about two hours. The wall erodes family life, destroys the Palestinian social fabric and is causing the displacement of thousands of Palestinian civilians.

29. The separation wall is also designed to encompass highly fertile Palestinian agricultural land and natural resources. Palestinian farmers owning land in the "closed area" of the wall are facing rising economic hardships. Some 40 per cent have difficulties in obtaining permits to farm their own land because of tightened eligibility requirements. Most farmers cannot stay on their land overnight and some permits are only seasonal, for the time of harvest. A 40 km, low wall (80 cm high) with six openings was built in the south of the West Bank to prevent inhabitants from grazing their livestock so that the road could be used by settlers. The low wall was removed only in August after a second appeal to the High Court of Justice. The wall also encompasses water resources and wells. The only apparent recent positive development regarding the separation wall was the unanimous ruling by the Supreme Court of Israel on 4 September to move the route of the wall which separates the West Bank village of Bil'in from its agricultural land. Non-violent protests against the wall were held in Bil'in every Friday for more than two years by Palestinian, Israeli and international activists.

30. The population of the area affected by the separation wall has difficulties reaching schools, health services and workplaces. Of the 84 gates in the wall, 45 are open to Palestinians; of those, only 26 function for only a few hours per day, and even they are closed at night, including to ambulances. This has adversely affected emergency medical cases and expectant mothers. The village of Azzun Atma is now an enclave surrounded by the wall, with only one gate that closes at 10 p.m. Women nearing delivery have to move out of the village. One person died at the gate this year. The Special Committee was told that the three real purposes of the separation wall were to force Palestinians to emigrate; to prevent the creation of a Palestinian state and to Judaize East Jerusalem.

31. The effects of the separation wall are particularly devastating in Occupied East Jerusalem. It is completely separated from the rest of the West Bank by 168 km of concrete and wire and a large tunnel is being built underneath. Palestinians from the West Bank face severe restrictions accessing East Jerusalem. The construction of the separation wall around the Maaleh Adumim settlement will restrict further the access of West Bank residents to schools, universities, hospitals, workplaces and places of worship in East Jerusalem. The neighbouring village of Bir Nabala has become an enclave which only has access to Ramallah through a tunnel running under a highway for exclusive Israeli use. The separation wall around the Gush Etzion settlement bloc will cut off the last link between Jerusalem and Bethlehem and take most of Bethlehem's agricultural land. Although it is described as a security measure, the wall in Jerusalem, which is built completely away from the 1967 border, actually separates Palestinians from each other. It has divided families, with wives and husbands living on different sides. Palestinians from the West Bank need permits to access East Jerusalem. Permits have been increasingly difficult to obtain since 2000 and can be cancelled without notice. The number of patients in the six Palestinian hospitals in East Jerusalem, which often provide the only specialist medical care in the area, has declined by 50 per cent. Even patients in a critical condition have difficulty reaching these hospitals because of Israel's policy regarding escorts. The Special Committee heard about the case of an 11-year-old boy with leukaemia. He was sent alone in an ambulance; when his mother managed to reach Jerusalem three days later he was brain dead.

32. The separation wall, the closures, the permit system and other measures restricting Palestinian movement were described as a "vertical narrowing" of the

West Bank. Some 40 per cent of the West Bank is currently off limits to Palestinians because of closed military zones; military bases; military buffer zones; nature reserves; the "closed zone" between the wall and the Green Line (1967 border) of the separation wall; settlements; outposts; bypass roads (known also as "sterilized" roads since they have been "cleansed of Palestinians"); and corridors which serve only settlers. Most of the Committee's interlocutors considered the route of the separation wall to be one of the principal violations of human rights by Israel. Although the Gaza Strip and West Bank constitute a single territorial unit under the Oslo Accords, "safe passageway" between the two areas has still not been established. A state which only has very limited "transport contiguity" and not "territorial contiguity" cannot be viable. In paragraph 121 of its advisory opinion, the International Court of Justice stated that it "considers that the construction of the wall and its associated regime create a 'fait accompli' on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation".

C. United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

33. The General Assembly, by resolution A/ES-10/17, established in December 2006 the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. On 10 May 2007, the Secretary-General appointed in their personal capacity three international experts as members of its Board: Harumi Hori from Japan, Matti Paavo Pellonpää from Finland and Michael F. Raboin from the United States. As a policymaking organ, the Board was to establish the rules and regulations governing the work of the office of the Register, determine eligibility criteria, categories of damage and the procedure of registration of claims, and would have the ultimate authority in determining the inclusion of damage claims in the Register. The Board held its first meeting in May to initiate work on drafting internal guiding documents and procedures relating to damage claims. Israel has denied the Register a presence on the ground in the Occupied Palestinian Territory (its office is in Vienna), which has prevented Palestinians from registering damage claims. Fears were expressed that this would result in a loss of evidence over time. Criticism of the Register has also focused on the lack of transparency regarding its establishment, especially the appointment of its Board and the criteria used for the selection of its staff. It was also criticized for not envisaging reparation as a form of redress; for the vagueness of the eligibility criteria for the registration of claims; and for having the scope of damages currently omit collective damage claims. It was argued that the Register must maintain a fully functional operation in the Occupied Palestinian Territory, regardless of where the Board convened. States and the United Nations were urged to provide for a mechanism that would not only register damages but also offer effective redress and take further action to bring Israel to comply with its obligations under international law, as outlined in the advisory opinion.

D. Settlements, bypass roads and settler violence

34. In paragraph 120 of its advisory opinion, the International Court of Justice concluded "that Israeli settlements in the Occupied Palestinian Territory (including

East Jerusalem) have been established in breach of international law". The transfer of its own population by the occupying Power into the occupied territory is prohibited by article 49, paragraph 6, of the Fourth Geneva Convention. The Supreme Court of Israel has carefully avoided pronouncing itself on the legality of settlements since this policy began in 1977. The Special Committee was told that the future of the settlements was the key to the future peace agreement between Israelis and Palestinians. Settlers are the main reason for the building of the separation wall and of restrictions on movement and access in the West Bank. Settlements grew by 5.5 per cent in 2006 and the settler population in the West Bank (not including East Jerusalem) rose to 275,156. This amounted to an increase equivalent to one-and-a-half busloads per day. The current number of settlers in the West Bank and East Jerusalem (some 480,000) is expected to reach 500,000 in two to three years. In May, the Israeli authorities announced plans to build three new settlements in East Jerusalem, with 20,000 housing units that would accommodate 90,000 new settlers. The aim is to create contiguity between East Jerusalem and nearby settlements. There are currently 149 settlements in the West Bank, including East Jerusalem. One source described how settlements were started: individuals bring caravans, the Israeli authorities supply them with water and electricity, and eventually they become cities. In August, the Special Coordinator for the Middle East Peace Process expressed deep concern that Israeli settlement activity continued throughout the West Bank, including East Jerusalem, and regretted that there were no credible efforts or actions to remove any of the more than 100 outposts. The Israeli non-governmental organization "Peace Now" revealed that almost one third of the land incorporated under "settlement jurisdiction" is land privately owned by Palestinians.

35. The network of roads in the West Bank which link settlements to each other and to Israel is off limits to Palestinians. These "bypass roads" are built on Palestinian-owned land. Israel is currently building a road east of Jerusalem, along which both Palestinians and Israelis will be allowed to travel, but separated by a concrete wall in the middle. The planners of the road admitted that its purpose was to allow Israel to build more settlements around East Jerusalem. Again, "transport contiguity" is achieved at the expense of the "territorial contiguity" required for a viable state.

36. During the period under review, settlers have continued to attack Palestinians in the West Bank, especially farmers whose olive trees have often been uprooted. Settlers have recently begun releasing rats into fields in order to destroy crops and livelihoods and force Palestinians to move from areas near settlements. Settlers living in and around Hebron are particularly militant and violent. Hebron has four settlements in its centre where some 600 settlers are guarded by 1,500 soldiers. Palestinians have been forced to leave more than 1,000 homes and over 1,800 shops in recent years, turning the centre of the city into a ghost town. Hebron settlers have attacked inhabitants, including children on their way to school, and vandalized buildings. The Special Committee was told that settler Nahum Korman killed a 12-year-old child who threw stones at his car by beating his head with a pistol. He was sentenced to six months of community service. Some 37 Palestinians have been killed by settlers since September 2000. The Special Representative of the Secretary-General for Children and Armed Conflict urged that settler populations be held accountable for acts of violence against and harassment of Palestinian children. Sources spoke about the collusion of IDF and settlers who have cultivated

confiscated land under IDF guard. The Committee was told that, despite the fact that Palestinians had started reporting incidents of settler violence, Israeli authorities were not serious in dealing with the cases.

E. Right to freedom of movement and freedom to choose one's residence

Checkpoints, roadblocks, the permit system and other obstacles for movement

37. Continuous investment by Israel in infrastructure aimed at restricting Palestinian movement in the Occupied Palestinian Territory has resulted in the further entrenchment of problems relating to freedom of movement during the period under review. The Occupied Palestinian Territory was described as "disintegrated and disconnected", with thinking shifting from occupation to management of the crisis. There has been no progress in the implementation of the Agreement on Movement and Access brokered by the United States Secretary of State in November 2005, namely, in ensuring the link between Gaza and the West Bank, in ensuring direct links to the outside world from the airport and sea port, and in reducing the number of closures in the West Bank, and there has been only limited and intermittent progress made in regard to land access in and out of Gaza. No improvements resulted from the United States plan, "Acceleration Benchmarks for Agreement on Movement and Access as well as on the Gaza Security Situation". According to the World Bank report entitled "Movement and access restrictions in the West Bank: uncertainty and inefficiency in the Palestinian economy", which was published in May, the West Bank has been divided into three segments and 10 enclaves, and freedom of movement and access for Palestinians within the West Bank was currently the exception rather than the norm, contrary to the commitments undertaken in a number of agreements between the Government of Israel and the Palestinian Authority.

38. In addition to the separation wall, during the period under review there has been a 43 per cent increase in the number of checkpoints and obstacles to movement in the West Bank. As of July, 86 of the 539 obstacles were manned checkpoints, only 3 of which were on the Green Line. There were also so-called "flying", or temporary, checkpoints set up at random for limited periods, 453 unmanned roadblocks, trenches (the largest of which has been dug around the entire city of Jericho), road gates, agricultural gates, observation towers, concrete blocks, earth mounds, boulders and rubble. These obstacles cause considerable problems for the sick, the elderly, pregnant women and children and require back-to-back commercial activities. On 7 September, a Palestinian woman from Ezariah gave birth at a military checkpoint near Abu Dis, a neighbourhood of Jerusalem now considered part of Bethlehem as a result of the separation wall. She was prevented from passing through the checkpoint on her way to hospital in Jerusalem by Israeli border police who attended the delivery. The Special Committee was told that, because of obstacles and lack of access to quality roads, donkeys were once again being used to deliver mail. One source said that, with so many checkpoints, the fastest one could drive in the West Bank was in third gear. As of August, no steps had been taken by Israel following the promise to remove some of the hundreds of roadblocks.

39. According to witnesses, the city of Nablus has been strangled by checkpoints. The Special Committee was told that the real reason for that was the proximity of

settlements to the city. Nablus is the principal commercial and health centre in the northern West Bank. A plan developed with the help of the United States Secretary of State envisaged the removal of checkpoints in the area, including the one at Huwwara. However, the Government of Israel has made huge investments and added several more lanes to that checkpoint. A number of checkpoints have been transformed into more permanent installations which resemble international border crossings. For example, Palestinian villagers from Beit Furik and Beit Dajan in the Nablus area are not allowed to cross over a bypass road reserved for the exclusive use of settlers. To reach Ramallah, they have to change cars and pass through five different checkpoints. The 50 km trip from Beit Dajan to Ramallah, which used to take 40-50 minutes, now takes two-and-a-half to three hours. The Committee was told of humiliating searches and inspections at checkpoints and gates where persons were taken into cubicles and strip searched. Some private security companies even asked women to take off parts of their clothing. Sources said that the purpose of such searches was to humiliate Palestinians. In some cases, dogs were used to inspect food, which was considered both humiliating and offensive.

40. In addition to checkpoints and other physical obstacles, movement within the Occupied Palestinian Territory and, in particular, the West Bank is curtailed further by the permit system which is enforced in a strict manner. Gazans are practically unable to leave the Gaza Strip. In addition to persons affected by the separation wall, Palestinians in the West Bank have difficulties obtaining permits to access East Jerusalem and other parts of the West Bank. In general, males aged between 16 and 35 years are virtually unable to leave cities in the northern West Bank. The Special Committee was told that the permit system was also used by Israel to try to recruit collaborators. During Ramadan in 2007, only men above 45 and women above 35 years of age who have special permits can access the Al-Aqsa Mosque in Jerusalem.

41. The permit system also affects the Jordan Valley which represents about one third of the West Bank. In April 2004, the Israeli Government approved a policy document declaring the Jordan Valley one of the national priority regions "in Israel", attesting to Israel's attempts to annex it. This means that it would be added to the territory taken by the separation wall, which would amount to more than 40 per cent of the West Bank. Some two million Palestinians from other parts of the West Bank need permits to enter the Jordan Valley and cannot stay there overnight. Farmers from the Jordan Valley who want to sell their produce in other parts of the West Bank are subjected to several hours of waiting and inspections at checkpoints, during which their produce spoils. Farmers who try to get around this by using the less safe roads face the above-mentioned flying checkpoints and the time it takes them to reach the markets again causes their produce to spoil. A trip that used to take one hour now takes five. More than 30 per cent of the Jordan Valley has been declared a closed military zone. Access to education has declined considerably since these measures were introduced. In April, a group of Palestinians living in tents and tin shacks were told to leave their land since it was needed for military purposes. In May, the inhabitants of Al Aqaba village were given a new "master plan" which will result in the confiscation of some 80 per cent of their land. There are 26 settlements in the Jordan Valley, with some 8,000 settlers who use 10 times more of the area's water resources than Palestinians. Interlocutors saw this as a way of denying Palestinians the exercise of their right to self-determination.

42. The freedom to choose one's residence is affected in the Occupied Palestinian Territory by the 1952 Israeli laws on citizenship and entry into Israel, in particular in East Jerusalem. The Nationality and Entry into Israel Law (Temporary Order), first enacted in 2003, denies spouses from the Occupied Palestinian Territory who are married to Israeli citizens or permanent residents (Jerusalem identification card holders) the right of permanent residency or citizenship. This means that they cannot live with their spouses in Israel or Jerusalem. Since the end of September 2000, there have been some 120,000 requests for family reunification. Even prior to the freezing of family reunification, it took an average of five years to process an application. Israel also exercises complete control over birth registration. It is estimated that there are some 10,000 children in East Jerusalem who have not been registered and therefore do not have insurance and cannot go to school. The Special Committee was informed that, during the period under review, there had been a 600 per cent increase in the number of Palestinian permits revoked in East Jerusalem. Israeli civil rights groups have described the policy as a "quiet transfer" with the aim of altering the city's demographic balance in favour of its Jewish inhabitants in a 70 to 30 per cent ratio. Sources said that this has been accompanied by a 30 per cent increase in house demolition orders issued in East Jerusalem. People are unable to live a normal life and were living in a state of despair. The Committee was told that the new Israeli definition of national security was mostly based on ethnic balance and demography rather than on borders. In a confidential report leaked to *The New York Times* in May, the International Committee of the Red Cross (ICRC) spoke of the general disregard of Israel of its obligations under international humanitarian law, and of the law of occupation in particular. According to ICRC, Israel was using its rights as an occupying Power under international law to further its own interests and those of its own population to the detriment of the population of the occupied territory, which was foreign to the letter and spirit of occupation law. Also, ICRC considered that the route of the West Bank barrier was following a demographic logic, enclosing the settlement blocs around the city while excluding built-up Palestinian areas, thereby creating isolated Palestinian enclaves.

43. The separation wall was described as an additional way to annex land and clear Jerusalem and the "closed areas" of the West Bank of their Palestinian population. According to sources, 17.3 per cent of all Palestinian residents of Jerusalem who had changed their place of residence since 2002 had done so as a direct result of the construction of the separation wall. It is estimated that, of the total population of some 250,000 Palestinian holders of Jerusalem identification cards, 70,000 risked losing their residency rights because of the wall. That figure includes 11,000 refugees in the Shuafat camp located within the city's municipal boundaries. Several interlocutors described the situation as "ethnic cleansing" since they considered there to be clear intent and that it was being done in a pre-planned and systematic way.

F. Right to life

44. The inherent right to life is the most fundamental of all rights and is protected by a number of international legal instruments to which Israel is a party. As an occupying Power, Israel has the obligation to ensure the protection of this right in the Occupied Palestinian Territory. During the period under review, Palestinians, including children, have been killed during Israeli military operations (which

included shelling, artillery fire and air strikes), search and arrest operations, undercover operations, border incidents, and targeted killings, either as targets or as innocent bystanders who have been cynically described as "collateral damage". The majority of those killed were civilians. Despite a ruling on targeted killings issued by the Supreme Court of Israel in December 2006, targeted killings/assassinations or extrajudicial executions have continued unabated. They are carried out against persons suspected of terrorist activity, mostly by way of air strikes from drones or helicopters. Few persons have been prosecuted for those deaths. The United Nations High Commissioner for Human Rights stated in May that extrajudicial killings were in breach of both international human rights and humanitarian law, and could not be justified under any circumstances. On 20 May, the Israeli Air Force bombed the house of Hamas parliamentarian Halil al-Haya in Gaza. He was slightly injured in the attack but eight others (six of whom were civilians), including seven members of his family, were killed and 13 people were wounded. Only one person was actually targeted. More than 30 people have been killed in this way in 2007. People have also died from indiscriminate fire in densely populated areas. Two children aged 12 and 13 years were hit at the gate of their home in Gaza by tank fire in May. Also in May, a pregnant woman standing near a window of her apartment during a military operation was shot and her unborn baby's skull was smashed. Three children aged 8, 9 and 12 years were killed by a surface-to-surface missile in Beit Hanoun, Gaza, on 30 August. The Israeli army admitted the following day that the children had nothing to do with militants but were merely playing near rocket launchers. During the reporting period, 31 per cent of Palestinian children killed were under 12 years of age.

45. The Special Committee heard accounts of two extrajudicial executions carried out by Israeli undercover units in the West Bank. One was the killing on 17 April of Ashraf Hanayshe, a leader of the Al-Aqsa Martyrs Brigades in Jenin. His car was intercepted by another carrying six Israeli undercover agents. He was said to be unarmed and could easily have been arrested but was asked to lie down on the ground and the undercover agents discharged a barrage of bullets into his body. The second killing took place in May in a restaurant in Ramallah. An undercover unit entered the restaurant disguised as Arabs and started firing at a person having lunch, whom they could easily have arrested. After being shot with a machine gun, one of the undercover agents shot him in the head with a gun. The undercover unit did not allow ambulances to approach him for 45 minutes to make sure that he was dead. Subsequently, some 50-60 IDF troops entered Ramallah to get the undercover unit out and started shooting at random, injuring four persons. In July, a 14-year-old child in Hebron carrying food and a plastic toy gun was killed by heavy gunfire from a distance of 100 m. IDF later admitted it was an error.

46. In February, IDF used an 11-year-old girl, a 15-year-old boy and a 24-year-old man as human shields during a military operation in Nablus despite the fact that the Supreme Court of Israel, on 6 October 2005, had outlawed the use of Palestinian civilians as human shields.

G. Right to an adequate standard of living, including adequate food, clothing and housing

47. The standard of living in the Occupied Palestinian Territory declined steadily during the period under review. The decline has been particularly sharp in Gaza,

especially since mid-June. Despite the unilateral disengagement of Israel from Gaza in 2005, described as more of a redeployment, Gaza remains occupied territory. Since the test for occupation is the exercise of effective control, Israel remains in complete control of Gaza and still effectively controls 24 per cent (87 sq. km) of its territory (as opposed to 37 per cent prior to the unilateral disengagement), including all land crossings, its airspace and territorial waters. Other forms of control used over the almost 1.5 million persons living there are military incursions and sonic booms. Even the European Union Border Assistance Mission for the Rafah crossing between Gaza and Egypt, located in Ashkelon, depends on permission from Israel to go to Rafah. In July, between 6,000 and 7,200 Palestinians from Gaza, the majority of whom had gone to Egypt seeking medical treatment, were blocked on the Egyptian side of the border. It is estimated that some 30 persons died. Those stranded were able to return to Gaza in August in smaller groups through other crossings. The situation was described as being entirely man-made and arising from the siege and blockade. Many sources described Gaza as a big prison. The Special Committee was told that people in Gaza were very disappointed in the international community because of its total lack of protection.

48. The worrying socio-economic situation in Gaza is characterized by the shortage of some essential commodities and medicines and of spare parts, unstable prices, massive closure of industry and rising unemployment. More than 85 per cent of factories and workshops have closed, 95 per cent of private construction projects halted and more than 70,000 workers have lost their jobs. Only goods classified as humanitarian and essential are entering Gaza but there are no other imports or exports. For the first time since 1995 the commercial trade code for Gaza has been removed by Israel and it is no longer part of the unified customs zone. Fishermen in Gaza have also been seriously affected by the closure in an arbitrary, capricious and unpredictable manner. Palestinian fishing boats have been shot at, damaged and confiscated and fishermen attacked, injured and arrested by the Israeli navy. Since some 40,000 persons are dependant on fishing, it is no longer considered a sufficient means of livelihood. In Gaza, 80 per cent of the population are receiving food assistance. One source said that Israel would not allow the humanitarian crisis in Gaza to degenerate to starvation but would make its population live in a situation in which they could think only of food. Poverty levels in Gaza reached 90 per cent in June.

49. The situation in Gaza has resulted in a considerable increase in the occurrence of stress-related and depressive disorders arising from Israeli practices such as closure and other forms of collective punishment. The causes are military incursions; shelling of populated areas; use of unconventional weapons such as DIME (dense inert metal explosives), which cause severe burns and loss of the extremities; sonic booms; house demolitions; shooting at fishermen; destruction of the electrical station and other infrastructure; and destruction of agricultural land and uprooting of trees.

50. In the West Bank, violations of the right to an adequate standard of living result mainly from the construction of the separation wall and the attendant restrictions of the right to freedom of movement. Limited access to services and basic goods were described as major factors of socio-economic deterioration and forced displacement of the Palestinian population in the West Bank. There was a 10 per cent contraction of the Palestinian economy in 2006. Some 1.8 million

Palestinians, approximately 50 per cent of the population of the Occupied Palestinian Territory, receive food aid.

51. In May, the International Labour Organization stated that the territories had faced yet another year of acute suffering, with declining living standards, increasing poverty and unemployment, and intensifying social disintegration and political disarray. It considered that this multifaceted crisis, encompassing economic, social, political, institutional and humanitarian dimensions, had its roots not only in the circumstances surrounding occupation for so many years but also in a series of measures taken in the wake of the elections that had brought a new Government to power in March 2006. Among the factors with devastating effects for the Palestinian economy were the financial embargo imposed by the international donor community and the withholding of Palestinian tax revenues by Israel (in contravention of the Paris Protocol of 1994), resulting in an average monthly loss of income of some $60 million (55 per cent of the Palestinian Authority's monthly revenue, totalling more than $800 million). Further tight restrictions on the mobility of Palestinian people and goods both within and between the territories and to Israel and other countries, including the increased number of checkpoints and the expanded and deeper impact of the separation wall, have made it impossible for the Palestinian economy to operate other than minimally.

52. Another factor influencing the standard of living of the population of the Occupied Palestinian Territory is the continuing demolition of houses said to have been built without a permit. Recently, demolitions have been carried out along the route of the separation wall. The situation is particularly serious in Jerusalem, where 40 Palestinian homes have been demolished since November 2006.

53. The quality of the environment has a direct bearing on the standard of living. The environmental situation in the Occupied Palestinian Territory, especially in Gaza, was described as a crisis arising from the closure, military operations and other forms of collective punishment. Many trees in Gaza have been uprooted and agricultural land destroyed by IDF during military incursions. There has been an accumulation of solid waste since there is no money to pay garbage collectors. The only electric power plant in Gaza was bombed in 2006 and the majority of the population has access to electricity two to three hours per day. This has made it difficult to operate water pumps for both drinking water and waste water. There is no waste water treatment plant in Gaza which makes for unsafe drinking water. The situation in Gaza is also critical because of water salinization. The 120,000 inhabitants of Khan Younis have no sewage cesspits, and aquifer tests show high nitrate levels in the water. The Special Committee was informed in detail about the bursting of a cesspit on 27 March which flooded the village of Um Nasser, located above the best aquifer for human consumption in Gaza. Five villagers were killed and 35 injured, more than 250 houses were flooded and 1,500 people had to flee their homes. The effects included contamination of ground water resources, high nitrate content, methane gas, mosquitoes and water-borne diseases. The area was shelled during an IDF operation in 2006. IDF subsequently shot at labourers working to repair the site, since Israel declared that it would attack any waste water pipeline to the sea. If the cesspools in the area were to give way, 1,200 houses would be flooded, affecting 10,000 persons. The situation was described to the Committee as "ecocide".

54. One of the major issues in the Occupied Palestinian Territory is control of water resources. Palestinians suffer from acute water scarcity, while settlers use nine times more water than Palestinians. Water from the Occupied Palestinian Territory is also pumped into Israel. Settlements in the West Bank produce both solid (including hazardous) and liquid waste, and affected water resources generate malaria, amoebas, cancer and skin diseases. Settlers, who represent 10 per cent of the population of the West Bank, produce 25 per cent of the sewage. Many highly polluting Israeli industries are also located in the West Bank.

H. Right to just and favourable conditions of work

55. Palestinian workers are finding it increasingly difficult to obtain employment, including in Israel. For the inhabitants of Gaza it is virtually impossible. In July, a study by the Israeli Parliament (Knesset) showed that Palestinian workers in West Bank settlements and factories earned less than one half of the minimum wage stipulated by law. One source told the Special Committee that Palestinians earned 2,000 NIS (some $500), while the minimum wage for Israelis is 4,200 NIS (about $1,000). Palestinian workers in Israel have only 3 benefits, compared with Israeli workers who have 16 and enjoy the protection of the Histradut Trade Union. Sources said that Israel and the Palestinian Authority were planning to establish several industrial parks or zones near the Green Line, which would provide hundreds of jobs for Palestinians. Israeli media reported that the idea behind the venture was to establish workplaces in territory under the Palestinian Authority in order to prevent excessive dependence of the Palestinian economy on jobs in Israel. The Committee was informed that in the area of Tulkarem there were eight Israeli factories producing pesticides, fertilizers and other hazardous materials which were off limits to Palestinians. It was also told that there were plans to create between 9 and 12 industrial zones, some of which would be built on confiscated Palestinian land. Israel would bring chemical and other factories to these zones. One source described industrial zones as a "Do it yourself apartheid", by which Palestinian farmers were turned into cheap and unprotected labour. In its report entitled "Crossing the line: violation of the rights of Palestinians in Israel without a permit", the Israeli human rights non-governmental organization B'Tselem stated that, as part of the unilateral disengagement plan from the Gaza Strip in 2005, the Government of Israel had decided gradually to decrease the number of entry permits issued to Palestinians and that, beginning in 2008, no Palestinians would be allowed to enter Israel.

I. Right to health

56. Throughout the Occupied Palestinian Territory, the right to health has been affected most severely by the restrictions placed on the freedom of movement and access. Closures have resulted in a shortage of essential medical supplies and a reduction in the delivery of basic health services. In the Gaza Strip, inadequate water and food quality are causing diarrhoea and malnutrition. In July, ICRC stated that one of the major challenges in Gaza today was the decaying medical infrastructure. In June 2006, in a report on addressing the health situation in the Occupied Palestinian Territory, the World Health Organization stated that if the current financial crisis were not addressed, the negative impact would include

higher malnutrition rates, increase in mental health disorders, reduced coverage of immunization programmes, inadequate early detection and rapid response for communicable diseases and increased risk of disease outbreaks, with a potential rise in mother and child morbidity and mortality.

57. Patients from the Gaza Strip and West Bank have difficulties in obtaining permits to access the main hospitals and medical institutions serving Palestinians in East Jerusalem and other parts of the West Bank. They also encounter difficulties in regard to referrals for medical treatment abroad. Medical sources indicated that because of the permit policy, patients had a tendency to wait until pain became unbearable before requesting permits. IDF stop 80 per cent of attempts to transfer patients. Israel requires certain patients to have paid escorts for treatment in Israel. Media pressure has resulted in the issuance of a limited number of permits. According to Israeli army regulations, Palestinian ambulances are supposed to move freely, with the exception of security checks, to all destinations, including Israel. A ruling of the Supreme Court allows patients in an urgent medical emergency to pass through checkpoints even if they do not hold a permit to enter Israel. In practice, Palestinian ambulances are not allowed to reach either Israeli or Palestinian hospitals in East Jerusalem, despite the memorandum of understanding signed in 2005 by Magen David Adom and the Palestine Red Crescent Society. They have to transfer patients back-to-back, to Israeli ambulances, at checkpoints, and experience prolonged delays. On 20 June, the High Court of Justice upheld the principle of the State's right to determine which Palestinians it allows into the country for medical treatment. A Palestinian ambulance was crushed by a tank in July 2007 in the Gaza Strip. The Special Committee was told that an ambulance was stopped for four hours near Nablus in July. At another checkpoint, soldiers drank tea and laughed for half an hour before supposedly noticing a waiting ambulance.

J. Right to education

58. The right to education in the Occupied Palestinian Territory has continued to be seriously affected by the occupation. The separation wall in the West Bank has resulted in considerable hardships for education since it often separates children from their schools which they have to access through the gates. In other parts of the West Bank, schools have been raided, vandalized and used as military outposts, including those run by UNRWA in refugee camps. Many students have been wounded or have become handicapped. The dropout rate is very high, while graduation rates are low. Female education is on the decline. Schools are overcrowded with an average of more than 40 students per class, and they usually operate in two shifts. The deteriorating economic situation in the Occupied Palestinian Territory has forced families to make choices between the cost of life and health expenses and the cost of education. Since university fees have increased, poverty and low income are depriving certain segments of the Palestinian population of higher education. The situation was described as a direct effect of Israeli policies and practices. In Gaza, students had to start the new academic year without 30 per cent of the new textbooks because of the closure of commercial crossings. On 5 September, UNRWA stated that the collapse of Gaza's education system and education standards was due to the cumulative effects of the occupation, closures, poverty and violence, noting that, as ever in conflict situations, it was the most vulnerable who paid the highest price, in this case the children.

K. Right to liberty and security of person

59. There are currently more than 10,000 Palestinians detained in Israeli prisons and detention centres. The Special Committee was told that about 700,000 Palestinians had been arrested and detained since the beginning of the occupation in 1967. Some 800 persons are in administrative detention, without charge or trial. There are about 100 female prisoners and 400 children. The continuous search and arrest operations in the West Bank maintain the number of prisoners at a very high level.

60. On 6 May, Israeli human rights non-governmental organizations B'Tselem and Hamoked published a report entitled "Utterly forbidden: the torture and ill-treatment of Palestinian detainees", in which they stated that the Shin Bet security service used interrogation methods that amounted to torture of Palestinian prisoners. The Supreme Court of Israel outlawed torture on 6 September 1999. According to the report, in addition to physical abuse, other measures were used to break the prisoners' morale. "Special interrogation methods" were used for security suspects designated as "ticking bombs". These are persons that security services consider to have knowledge that can prevent an imminent security attack. The methods were described in the report published in May 2007 by the Public Committee Against Torture in Israel, entitled "'Ticking bombs': testimonies of torture victims in Israel". The Special Committee heard about the treatment of prisoners from several sources. In general, it was told that the General Security Service, IDF, police and even prison guards were well protected and so far completely immune from prosecution. Even doctors colluded by issuing health certificates that declared that a prisoner could undergo interrogation. The Special Committee was told that there were secret detention centres inside Israel. Torture was described as routine and facilitated by the late issuance of visiting permits, including to ICRC and lawyers. The impunity was said to come from both the political system and Israeli public opinion and that torture was treated as a marginal issue justified by the defence of the State. Sources said that the policies of the Israeli Supreme Court were identical to those of the army and security services and that it was showing enormous deference to the security establishment at the expense of the human rights of Palestinians.

61. According to the sources, the most difficult period for prisoners was interrogation after arrest, during which some were injured prior to contact with their lawyers. They said that the family was often not informed of a prisoner's place of detention but usually found out through the non-governmental organizations assuring the defence. The trials were described as nominal and based on confessions. Sources said that interrogation methods included up to 18 hours of torture with a couple of hours in between; hands and ankles tied to a chair with chains and elbows squeezed together while the prisoner was beaten on all parts of the body; squatting; sleep, food and cleanliness deprivation; being naked; no light; sexual assault; use of lie detectors; shaking; solitary confinement; blindfolding and hooding; noise; insults; threats against family members; forced barking; cold flushes; breaking of bones; burning; electric shocks; standing for long periods; and tape-recorded interrogations played back to prisoners. Some prisoners underwent four to five days of this type of torture. Verbal abuse and threats included claims that they would end up being paralyzed, that their house would be destroyed, that their wives and mothers would be brought in for interrogation and that they could be responsible for the death of their mother. Most interrogation protocols do not

mention torture but rather state that the prisoner was given biscuits and Coca-Cola at some point. The protocols that do mention practices amounting to torture explain that it was used in the case of "ticking bombs". After his visit to Israel, the Special Rapporteur on human rights and terrorism stated that he was shocked by the unconvincing and vague illustrations by the Israel Security Agency of when such "ticking bomb" scenarios might be applicable and was, furthermore, concerned by the lack of truly independent and impartial investigation mechanisms following the application of such methods.

62. A clinical psychologist has described the consequences of such treatment: post-traumatic stress disorder; depression; obsessive-compulsive disorder; paranoia; anxiety; sensitivity; and phobic disorders. He described the case of a student who had good self-care, eye contact, normal speech and activity before being arrested. After 18 days of interrogation and six months in prison, he suffered from stomach pain, digestion problems, migraine headaches, sinusitis, acute solid bowel movement, deep anxiety, nightmares, stress, nervousness, poor concentration, unclear thinking and poor appetite.

63. Families of prisoners were often unable to visit for lack of permits. Requests for permits are made through ICRC and processing can take up to seven months because the Israeli authorities often claim that there is no relationship between a mother and her son. This requires obtaining marriage certificates and identity cards as proof. The same claims concerning the same persons are made again for the next permit. Some prisoners have gone without visits for up to six years. Palestinian prisoners who are not registered in the Palestinian population register cannot receive visits. Permits are issued every seven months for 45 days and are valid for one visit. Relatives are often forced to wait for hours in severe cold and heat in order to see the prisoners for 45 minutes. Sources said that the Israeli authorities try intimidation or request financial compensation for issuing visit permits. The Special Committee was told that problems relating to permits for prison visits are on the rise.

64. Prisoners' rights are violated in other ways. The Special Committee was told that Israeli authorities hampered visits to prisoners by their defence attorneys, who were not accorded sufficient time with their clients. Some prisoners are not allowed to continue their studies; some are prevented from sending letters and having radios and televisions. The Committee was told that cameras and tape recorders were placed inside certain prisons and that the special Nahshon Unit carries out operations in prisons. Tear gas and sound bombs have been used. The surveillance of detention centres and prisons was increased in 2006. Incarcerated faction leaders are separated from other prisoners to prevent them from being influenced in regard to resistance. The Committee was told that certain prisoners had spent years in solitary confinement. It was told that women were arrested under the same conditions as men. One pregnant prisoner was made to sit handcuffed on a small chair, was blindfolded and hit on the face. Some female prisoners have given birth in prison while tied to their beds. One of the ways to force suspects to hand themselves over to Israeli forces was to threaten their spouses and sisters with rape. They also spoke about a rise in the imprisonment of prisoners' relatives, including mothers, and the destruction of homes. The Committee was told that 74 per cent of prisoners were 18-30 years of age at the time of arrest. One interlocutor said that the intention was to destroy the will of this age group through persecution, humiliation and oppression in order to prevent them from joining resistance activities against the occupation.

65. Health care provided to prisoners was described as inadequate or almost non-existent. The quality of food was poor and quantity insufficient. Hygienic conditions were bad and there were rats and insects in some facilities. The Special Committee was told of a detention centre in Hebron in which there were no toilets. It was also told that up to 60 prisoners had been kept in one room. Some cells do not have daylight. Hundreds of prisoners have serious health problems, including amputees with infected wounds, cardiac, cancer and other chronic patients, and those needing surgery. Some diseases are generated by the conditions of detention. Several prisoners have died from medical negligence. Many sources mentioned the standard use for all ailments of what has become known as the "magical pill" (Akamol). On 31 July 2007, a 27-year-old prisoner died of severe pneumonia. On 25 August 2007, a 22-year-old prisoner died in prison despite complaining of inadequate medical treatment one week before. The Committee was told that many prisoners were in a terrible psychological condition.

66. There are currently some 400 children in Israeli prisons, including 5 girls. Five to seven children are in administrative detention. Contrary to international standards, Israel considers Palestinians below 16 years of age to be children, while 18 years of age applies for Israelis. Although 12 years is the age of criminal responsibility, children under 12 are also arrested. Children are arrested in the street, at checkpoints or at night away from their homes, with extensive IDF deployment. The Special Committee was told about the case of a girl who was shot with live ammunition from a distance of 20 m and was left bleeding for a long time by IDF. She was subsequently handcuffed to her bed in hospital. A boy who was under 12 years of age when arrested was subjected to severe torture and sexual abuse in prison and tried to commit suicide three times. There are no juvenile military courts. The majority of children are forced to sign confessions in Hebrew which they do not understand. Attempts are made during interrogation to recruit children as collaborators. Some 63 per cent of children are imprisoned for stone throwing. Although detention and imprisonment of children should be used as a last resort for a short period of time, Palestinian children are arrested as a first resort for long periods. Palestinian children have recently been sent to Adamun prison near Haifa, which is very old, with unhealthy conditions. Telmond is the only prison that provides education for children, in science, mathematics, Arabic and Hebrew, with all ages attending the same class. Family visits are once every two weeks. The Special Representative of the Secretary-General for Children and Armed Conflict raised the issue of detained Palestinian children, stating that their large number was only feeding the cycle of violence and urging that a different approach be adopted for children charged with minor offences. Sources told the Committee that no effective measures to that effect had been taken so far.

67. The Special Committee was alerted to the practice of striking "deals" or "bargains" in court. This is proposed to lawyers in order to shorten the sentences of their clients. The Committee was told that some 90 per cent of cases were subject to a deal between prosecutors and lawyers.

68. After the legislative elections in 2006, Israel arrested more than 40 members of the Palestinian Legislative Council, including its speaker, and other officials affiliated with Hamas. On 24 May 2007, IDF arrested 33 senior Hamas officials, including legislators, mayors and one cabinet minister during overnight raids in the West Bank. On 20 July 2007, as a gesture to the newly formed Emergency

Government, 255 prisoners belonging to various factions were released from Israeli prisons and 178 Palestinian activists were taken off the list of wanted persons.

L. Right to freedom of opinion and freedom of association

69. The freedoms of expression and association are among the basic human rights. The Special Committee received information about the situation of Palestinian journalists. It was told about an incident in Gaza in which a journalist was first shot in the right thigh, fell to the ground and was then repeatedly shot by tank fire in both legs and almost bled to death. Both his legs had to be amputated. Journalists have also been shot by IDF in other parts of the West Bank and during Friday demonstrations against the separation wall in the West Bank village of Bil'in. Three Palestinian journalists are currently being held in Israeli prisons. Sources said that IDF had declared certain areas closed to Palestinian journalists and foreigners but not to Israeli journalists. In May, IDF raided five Palestinian radio and television stations in Nablus and has raided television and other media offices and damaged equipment in Ramallah and Jenin. The Committee was told that Israeli practices in regard to journalists had never really improved and were in fact becoming harsher.

VI. Situation of human rights in the occupied Syrian Golan

70. On 2 August 2007 in Damascus, the Syrian authorities submitted to the Special Committee the thirty-ninth annual report of the Syrian Arab Republic on Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan. The report covers the period from 10 November 2006 to 30 July 2007.

71. The paragraphs below provide a summary of the views contained in the annual report of the Syrian Arab Republic.

A. Past legacy

72. The Security Council, in its resolution 497 (1981), decided that the Israeli decision to annex the Golan is null and void. For its part, the General Assembly of the United Nations, in its resolution 61/27, declared the Israeli decision to be null and void, as confirmed by the Security Council, and to have no validity whatsoever. The Assembly called upon Israel to rescind its decision, and demanded once more that it withdraw from all the occupied Golan in implementation of the relevant Security Council resolutions.

73. Because of Israel's violations of political and human rights, the Human Rights Council, on 27 November 2006, adopted resolution 2/3, entitled "Human rights in the occupied Syrian Golan", in which, reaffirming once more the illegality of the Israeli decision, it called upon Israel to comply with the resolutions of the General Assembly and the Security Council, in particular Security Council resolution 497 (1981). The Council determined that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Fourth Geneva Convention and have no legal effect. It called upon Israel to desist from imposing

Israeli citizenship and Israeli identity cards on Syrian citizens in the occupied Golan and from its repressive measures against them. In addition, the Council called upon the Member States not to recognize any legislative or administrative measures which Israel has taken or will take to alter the legal status and demographic character of the occupied Syrian Golan.

B. Deteriorating human rights situation in the occupied Syrian Golan

74. According to the Syrian report, the number of settlers has increased and existing Israeli settlements have expanded. There are now 45 Israeli settlements. As part of a new settlement campaign, "The Golan opens its doors to you and is full of life", which was launched by the settlers in the occupied Golan, it was announced that 300 new living units would be constructed in the occupied Golan. The 22 settlements stretching from Jabal al Sheikh in the north to the shores of Lake Tiberias in the south have opened their doors to newcomers. The report states further that the Israeli Land Department put up 2,500 dunums of land in the Golan for sale to settlers. It was announced that a car racing track would be built in the Fiq area, in the southern part of the occupied Golan, to encourage settlement. In order to expand settlement in the Golan, the third conference of the strategic planning unit for Israeli settlement in the Golan held a meeting to increase the number of new settlers by 50,000. In a fresh attempt to uproot the people of the occupied Golan, the Israeli occupation authorities ordered the inhabitants of the Syrian village of Ghajar to evacuate the northern part of the village, thus sending 90 per cent of the villagers to the southern sector in a move that will lead the way for the expropriation of 900 dunums of village land. In mid-April 2007, the Alonei Habashan settlement announced the beginning of a sale of housing units built on the ruins of the Arab village of Juwayza, at a cost of US$ 27,000 each. Officials from the settlement confirm that this price is one quarter of the properties' real value and that it was designed as an incentive in the context of a long-term plan by the Golan regional council to increase the number of settlers in the occupied Golan and thus alter its demographic composition.

75. The report indicates that Syrian citizens of the occupied Golan are denied their right to access to water resources. Arab citizens have been damaged by these measures, which dry up the springs supplying Arab villages with water, and adversely affect crops and the livelihoods of the inhabitants. While the citizens are not allowed to dig artesian wells or to build cisterns to store rain or snow water, the occupation authorities have dug numerous wells for the nearby settlements, lowering the groundwater level in the Arab villages. The occupation authorities also prevent the inhabitants of the occupied villages from using the waters of Mas'adah Lake, which they have diverted to the settlements, and have increased water prices compared to those charged to the settlers in the area. In general, Syrian citizens in the Golan receive only 20 per cent of their annual needs, so that gardens do not receive the water that they need and production is adversely affected. At the same time, the settlers in the same area receive 120 per cent of their annual needs.

76. The report states that prisoners from the Golan are subjected to the harshest forms of physical and mental torture in prisons that are far from their homes and also have to contend with the difficulties and obstacles that the occupation authorities put in the way of relatives trying to visit them in prison. The report states further that the Israeli security authorities subject Syrian Arab prisoners to

ill-treatment and mental torture in an effort to weaken their nationalist views and social outlook. The prisoners are held in terrible conditions, which result in their contracting various illnesses. The attention of the Special Committee has been drawn to the health situation of Bishr al-Maqat who has been imprisoned for 22 years, has had several heart attacks, is suffering from a blocked artery and several other ailments and is in urgent need of medical attention. The Israeli prison authorities pursue a policy of humiliation and subjugation of prisoners, denying them their most basic rights. They raid prison wards on a regular basis and conduct daily searches. The authorities have repeatedly refused requests from international institutions, including ICRC, to visit Syrian Arab prisoners. As of the date on which the report of the Syrian Government was written, there were 15 citizens from the occupied Syrian Golan languishing in Israeli prisons, accused of resisting the occupation. However, during the presentation of the report to the Committee, the representatives of the Syrian authorities informed the Committee that two citizens of the occupied Golan had been arrested by the Israeli occupation authorities at the end of July 2007, and demanded that Israel release the two men immediately. According to the authorities, a large force of Israeli police and intelligence operatives had attacked the villages of Majdal Shams and Buq'ata and arrested the two citizens. They had searched their homes and confiscated their mobile phones and computers.

77. According to the Syrian report, landmines pose a constant threat since the Israeli mines lie in areas close to villages, fields and the pastureland belonging to the local people. Livestock, such as cows and sheep owned by Syrian farmers, are not spared from the mines, which restrict the movement of the inhabitants and prevent them from utilizing their land. On 27 November 2006, in the liberated part of the governorate of Quneitra, a mine in the form of a children's toy had exploded and two children from the village of Al-Jarran had received injuries to the chest and eyes. In an area between Khan Arnbah village and Baath City, four children had been injured on 23 December 2006 by the explosion of a mine that looked like a cube-shaped children's toy.

78. The situation regarding education continued as recorded in the Special Committee's previous report. There are 12 schools in the five remaining villages of the occupied Golan, consisting of 6 primary schools, 3 middle schools, 2 secondary schools and 1 branch of a preparatory intermediate college in the village of Mas`adah. The schools are overcrowded, unfit for education and unsanitary. As regards university education, Syrian Arab doctors and pharmacists who graduate abroad do not receive licences from the occupation authorities to practise in the occupied Syrian Golan, thus forcing them to emigrate in order to find work. At the same time, students are prevented from completing their university education or from gaining entry to particular faculties, such as dentistry and pharmacy, unless they accept the occupation and Israeli nationality.

79. According to the report, Syrian workers in the occupied Golan have to contend with problems of unemployment and job insecurity. Most are employed in temporary jobs and are under constant threat of dismissal. Thus, if a worker sustains an industrial injury, it creates a major problem for his family, since the Israeli employer will simply dismiss the worker without paying him any compensation. The report states that the occupation authorities harass Syrian workers, denying them new employment opportunities, dismissing others, discriminating against them in respect of wages and taxes and preventing them from pursuing the occupations for which they are qualified. The situation of workers in the occupied Golan was

described as a reflection of the broader situation of Syrian Arab citizens suffering under the Israeli occupation and its practices.

80. As regards the health situation, the five occupied Arab villages in the Golan continue to suffer from a chronic shortage of health centres and clinics; the villages have no hospital and citizens have to go to the towns of Safed or Jerusalem for even the simplest surgical procedure. They incur enormous costs as well as constant hardship because of the lack of first aid centres, doctors, specialized clinics, such as gynaecological and obstetrics clinics, X-ray services and emergency rooms. The report states that the Israeli occupation authorities continue to charge the population of the Golan high prices for medical tests, treatment and health insurance, which far exceed the patients' modest wages.

81. According to the report, Syrian women in the occupied Golan suffer from the painful situation and the adverse psychological, social and material effects arising from more than 38 years of occupation. Syrian women in the occupied Golan have not escaped repeated waves of arrests and have been held in Israeli prisons. While visiting their relatives in prison, Syrian women from the Golan are roughly treated by occupation soldiers performing physical searches. They are also made to wait a long time outside the prisons, which are equipped with glass screens that prevent visitors from talking to prisoners: they can only look at one another. The report indicates that children are not spared from Israel's arbitrary practices, which affect people, land and livestock. It states that Israel violates the rights of Syrian children in the Golan by imposing Israeli nationality on them and denying them their Syrian nationality. Children of the Golan are also denied the freedom to receive information and ideas, owing to the restrictions placed on the population (including children) and on its freedom of movement.

VII. Conclusions and recommendations

A. Conclusions

82. The Special Committee has noted once again the serious deterioration of the human rights situation in the Occupied Palestinian Territory and in the occupied Syrian Golan, all of which arises from the Israeli occupation. The Committee has noted the despondency of the population of those areas as regards prospects for an improvement in the situation of human rights.

83. Palestinians have continued to suffer from various types of violations of their basic human rights. They have suffered from different types of Israeli military action which has resulted in considerable loss of life and injuries, as well as damage to property and infrastructure. They have faced the financial embargo imposed by Israel and the international community, harsher mobility restrictions for persons and goods and other forms of collective punishment. The situation in the Gaza Strip is particularly serious and risks deteriorating further if this part of the Occupied Palestinian Territory remains cut off from the rest of the world. Contrary to international law, the construction of the separation wall has continued unabated and settlements and bypass roads have continued to expand.

84. An additional 200 km of the separation wall have been built since the International Court of Justice rendered its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* in July 2004. Serious disappointment has been voiced regarding the Register of Damage. Hope was expressed that it would extend its presence to the Occupied Palestinian Territory and broaden the scope of its mandate.

85. In addition to the damages arising from the construction of the separation wall, the Special Committee remains of the view that Israel should, in accordance with the principles of international law, grant compensation for damage in the Occupied Palestinian Territory resulting from other aspects of the occupation which have affected all facets of Palestinian lives.

86. Although most Palestinians were not very hopeful about the possibility for improvement in the situation of human rights, some voiced the hope that the international community would break its silence and act more resolutely to urge Israel to respect international law and comply with its legal obligations both under the international human rights instruments to which it is a party and, as the occupying Power, under international humanitarian law, in particular the Fourth Geneva Convention. A number of interlocutors wondered whether the Special Committee could do more to make their plight known to the world and elicit action by those who have the real power to make a difference.

B. Recommendations

87. The Special Committee wishes to reiterate some of the recommendations made in its previous report, inter alia:

(a) The General Assembly should:

(i) Urgently consider all means at its disposal to fulfil its responsibilities regarding all aspects of the question of Palestine until it is resolved in conformity with relevant United Nations resolutions and the norms of international law and until the inalienable rights of the Palestinian people are fully realized, and to this end provide the Special Committee with a renewed mandate in line with current realities and taking into account the hopes and aspirations of those living in occupied territories;

(ii) Urge the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the separation wall in the Occupied Palestinian Territory, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from the construction of the wall;

(iii) Urge the Security Council to consider sanctions against Israel if it persists in paying no attention to its international legal obligations;

(iv) Ensure that other States are not taking actions that assist in any way the construction of the separation wall in Occupied Palestinian Territory, either directly or indirectly, and that bilateral agreements between Israel and other States do not violate their respective obligations under international law;

(v) Encourage the members of the Quartet to fully implement the road map in such a way as to achieve a comprehensive, just and lasting settlement of the conflict, based on relevant United Nations resolutions, including Security Council resolutions;

(vi) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure respect of the Convention by Israel. A meeting of the High Contracting Parties to that effect should be convened urgently;

(b) The Government of Israel should:

(i) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(ii) Ensure respect for international law and the principle of appropriate use of means and methods of warfare, and cease its policies of excessive use of force and extrajudicial killings of Palestinians, as well as the destruction of land, civilian and public property, houses and infrastructure;

(iii) Stop its policy of confiscating Palestinian land, which affects the territorial integrity of the future Palestinian State, and of expanding Jewish settlements in the Occupied Palestinian Territory, which are contrary to international law and which threaten the contiguity of Palestinian lands;

(iv) Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting closures, checkpoints, roadblocks and other obstacles to movement and stop building roads accessible only to Israeli settlers and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;

(v) End the siege on Gaza and facilitate and reopen the Gaza airport and seaport;

(vi) Stop building the separation wall in the Occupied Palestinian Territory, which hampers the achievement of a just and sustainable peace between Israel and the future Palestinian State, and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;

(vii) Stop carrying out mass arrests and arbitrary detention and imposing humiliating and cruel treatment on Palestinians and other Arabs detained in Israeli jails; guarantee those arrested a fair trial and detention conditions in accordance with the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment and with the Fourth Geneva Convention;

(viii) Urgently implement its obligations set forth in the road map and withdraw its military presence in the Occupied Palestinian Territory and its occupation of the Syrian Golan;

(ix) Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms. Implement also the recommendations of the Special Representative of the Secretary-General for Children and Armed Conflict regarding Israeli occupation and acts;

(c) The Palestinian Authority should:

(i) Abide by the relevant provisions of human rights law and international humanitarian law;

(ii) Aim to solve the urgent human rights and humanitarian crisis currently facing the Occupied Palestinian Territory, and to fully restore the rule of law in areas under its control;

(iii) Comply with the requirements of the road map as laid out by the Quartet;

(iv) Arrest and bring to justice, in accordance with international standards, those responsible for planning or perpetrating indiscriminate attacks against civilians.

88. The Special Committee urges concerned civil society groups and diplomatic, academic and research institutions to use their goodwill and influence to make widely known, by all available means, the current serious human rights and humanitarian situation in which Palestinians find themselves, as well as the human rights situation in the occupied Syrian Golan. The Special Committee commends and encourages the efforts of Israeli non-governmental organizations made on behalf of Palestinian human rights, and considers that the work of these organizations should be better known to and receive better recognition from Israeli civil society and relevant Israeli institutions.

89. All Governments concerned are urged to comply fully with article 1 of the Fourth Geneva Convention and with the international obligations outlined in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15.

90. The Special Committee strongly encourages international and national media to provide broad and accurate coverage of the current human rights and humanitarian situation in the Occupied Palestinian Territory, including substantive analyses of the situation and its causes, with a view to mobilizing international public opinion in favour of a just and lasting settlement of the conflict.

Notes

[1] See "Report of the UNESCO Technical Mission to the Old City of Jerusalem" (176 Ex/Special Plenary Meeting/INF.1).